

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

11 February 2020

CONSULTATION ON PROPOSED REVISED POLICY ON DEVELOPER CONTRIBUTIONS FOR EDUCATION

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to consult on a revised policy for developer contributions for education.

2.0 EXECUTIVE SUMMARY

2.1 In the light of changes to legislation and updated government guidance, it is proposed to consult on a new County Council policy for developer contributions for education. This will include the following proposals:

- Requesting S106 contributions for education across the County;
- Using our existing method for assessing whether a primary or secondary education contribution is required;
- Following DfE's preferred cost per place (using national average costs published in DfE School Place Scorecards);
- Lowering the thresholds for seeking primary education contributions to 10 houses and for secondary education contributions to 25 houses;
- Introducing contributions for Special Educational Needs and Disabilities (SEND) and Early Years for larger developments;
- Recommending the use of model clauses in Section 106 agreements for education contributions and for new education sites.

Consultation responses received would be included in a report to the County Council's Executive on 21 April, who would decide whether to approve the draft policy for implementation from 1 May 2020.

3.0 BACKGROUND

3.1 Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one.

3.2 Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).

3.3 A Section 106 agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

3.4 Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.

3.5 Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek funding both for the construction of more school places and suitable land from developers:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations' (September 2019);
- Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019).

4.0 THE PROPOSAL

4.1 In the light of these changes, we are proposing a new County Council policy for developer contributions for education. The draft policy is set out in **Annex 1** with supporting appendices to the draft policy in **Annex 2** and a draft consultation document in **Annex 3**. This policy will set out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;
- when we will request contributions of land to provide sites for new or expanded schools.

4.2 The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

Section 106 contributions

4.3 We propose to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL.

Contributions for primary and secondary provision

4.4 We propose to follow the Department for Education's (DfE) preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.

4.5 We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for a permanent expansion, derived from DfE school places scorecards, to North Yorkshire, would result in an increase in the cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.

4.6 Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.

4.7 Thresholds for assessment currently vary across the County reflecting different policies in different districts:

	<u>Primary</u>	<u>Secondary</u>
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CILs

4.8 Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

4.9 Planning practice guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

4.10 We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

4.11 Planning policy guidance and DfE guidance state that requirements for education contributions should consider early years provision.

We propose to apply a yield of 0.08 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for early years provision are set at the same rate as primary school provision.

Section 106 agreements

4.12 We propose to recommend the use of model clauses for education contributions and for new education sites in Section 106 agreements.

5.0 PROCESS AND TIMESCALES

5.1 There has been informal consultation with district councils through the Development Plans Forum in September, Heads of Planning Meeting in January, and individual discussions with officers.

5.2 It is proposed to consult publicly from 19 February to 1 April (a period of 6 weeks) with district councils, developers, schools and academies, town and parish councils, and other interested parties. All responses to the consultation will be reported to the County Council's Executive on 21 April 2020. They will decide whether to approve

this draft policy for implementation from 1 May 2020. It will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, this County Council policy, and relevant legislation and guidance.

6.0 RECOMMENDATIONS

6.1 To start consultation on a revised policy for developer contributions for education

Stuart Carlton

Corporate Director – Children and Young People’s Service

Report prepared by John Lee – Strategic Planning Officer

Action AgreedExecutive Member
Date: 11 February 2020

Action RequestedCorporate Director
Date: 11 February 2020

Annexes to this report

Annex 1: Draft Developer Contributions Policy

Annex 2: Draft Supporting Appendices to the Developer Contributions Policy

Annex 3: Consultation Document

ANNEX 1

Draft Developer Contributions Policy



Developer Contributions for Education policy

Proposed to be adopted May 2020

Introduction

North Yorkshire County Council has a statutory duty to ensure sufficient school places are available for every child under the Education Act 1996.¹ The timely provision of education infrastructure to support new housing is essential in meeting the objectives to secure high quality school places when and where they are needed.

The County Council works closely with the nine Local Planning Authorities in North Yorkshire:

- Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council, North York Moors National Park Authority, Yorkshire Dales National Park Authority.

The County Council also works closely with North Yorkshire schools, academies and other associated organisations, including:

- Maintained schools (community, voluntary controlled, voluntary aided and foundation schools, which are directly funded by the local authority);
- Academies and free schools (state-funded, non-fee-paying schools, operating through funding agreements with the Secretary of State). Free schools are new state schools, whereas many academies are converter schools that were previously maintained by the local authority;
- Multi-academy trusts, or MATs, which run groups of academies;
- Church of England and Roman Catholic Dioceses;
- Regional Schools Commissioner.

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

¹ Education Act (1996), Section 14.

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;
- when we will request contributions of land to provide sites for new or expanded schools.

Policy background

National policy context

Section 106 of the Town and Country Planning Act 1990 as amended by the 1991 Act enables local authorities to seek to negotiate a contribution from developers towards the cost of meeting the infrastructure necessary to support their development. The guidance on planning obligations in the National Planning Policy Framework (NPPF) states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.²

For education this will mean asking housing developers for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one. Government guidance sets out in more detail how local authorities can best seek funding for these purposes:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations';³
- Department for Education guidance 'Securing developer contributions for education' (November 2019).⁴

The Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools. Funding is reduced however to take account of developer contributions, to avoid double funding of new school places.⁵ National Planning Practice Guidance states that:

Government funding and delivery programmes do not replace the requirement for developer contributions in principle. Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.⁶

² National Planning Policy Guidance (NPPG) 2019, paragraph 54.

³ MHCLG, Planning Practice Guidance, Planning Obligations <https://www.gov.uk/guidance/planning-obligations>

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

⁵ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

⁶ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). CIL revenues are intended to help fund the supporting infrastructure needed to address the cumulative impact of development across a local authority area. Alternatively, a Section 106 planning obligation secures a contribution directly payable to the local authority for education (or direct provision of a school 'in kind'), though a planning obligation must comply with the following tests set out in the CIL Regulations, requiring it to be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Changes to the CIL regulations in September 2019 removed pooling restrictions which previously limited the number of planning obligations that could be used to fund a single infrastructure project, and allow planning obligations to fund infrastructure also being partly funded by CIL.⁷

Local authorities can use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed.

Local policy context

North Yorkshire County Council's **Council Plan 2019-23**⁸ sets out key ambitions for 2023 that

- every child and young person has the best possible start in life;
- every adult has a longer, healthier and independent life;
- North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations; and
- we are a modern council which puts our customers at the heart of what we do.

The **Young and Yorkshire 2 plan**⁹ aims to improve the lives of children and young people living in North Yorkshire, as well as their families. The plan has been written by the North Yorkshire Children's Trust, a partnership that represents all the agencies working with children and young people across the county. Its vision is to create a place of opportunity where all children and young people are happy, healthy and achieving, and its priorities include:

- Ensure children have great early years
- Raise achievement and progress for all

⁷ The Community Infrastructure Levy (Amendment) (England) (no.2) Regulations

⁸ <https://www.northyorks.gov.uk/council-plan>

⁹ <https://www.northyorks.gov.uk/young-and-yorkshire-2>

- Equip young people for life and work in a strong North Yorkshire economy

The County Council's **Strategic Plan for SEND Education Provision 0-25, 2018 – 2023**¹⁰ is for all children and young people in North Yorkshire who have special educational needs and disabilities (SEND), for their families and for all those working with them. We want all children and young people with SEND in North Yorkshire:

- To have the best educational opportunities so that they achieve the best outcomes.
- To be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- To make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.

Local plans are prepared by the nine Local Planning Authorities in North Yorkshire, which comprise the seven Borough and District Councils and two National Park Authorities. These Local Plans are then examined independently by the Planning Inspectorate.

Seeking developer contributions for education

North Yorkshire County Council has for many years had a policy of aiming to secure contributions towards education provision wherever possible. This has become significantly more challenging in the context of Community Infrastructure Levy (CIL) and regulations which, until September 2019, restricted the pooling of contributions from multiple developments. Where CIL has been adopted the principle is that the District Councils collect a set sum per unit from all developments under a charging schedule and then distribute to infrastructure projects.

We propose to continue to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed pooling restrictions for Section 106 agreements and allowed Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions.

Regardless of whether schools have academy status, are free schools, or maintained schools, the County Council remains the authority responsible for ensuring that there are sufficient school places available to meet the educational needs of the county's population. This means that the County Council remains the appropriate authority in determining the requirements for school provision as a consequence of housing development and will ask to be a party to any Section 106 agreement in order to secure the appropriate contribution. The County Council will work jointly with the nine Local Planning Authorities in North Yorkshire as plans are

10

https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Strategic_plan_for_SEND_education_provision_0-25_2018_to_2023.pdf

prepared and planning applications determined, to ensure that all education needs are properly addressed.

PRIMARY AND SECONDARY PROVISION

Calculating developer contributions for primary and secondary education provision

Where a new development is proposed in an area with sufficient projected school places, no financial contribution will be required; however, where the proposed development would result in insufficient projected school places, a contribution will usually be sought.

Forecasts of future school capacity and pupils on roll at local primary and secondary schools are made by the County Council over a five year period. Local primary and secondary schools are generally the catchment area schools for the proposed development. These forecasts are based on school census data and the latest school capacity information and will also take into account any unimplemented planning permissions.

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.
- If the school is “X” places short of capacity in year five and the development generates “Y” places, contributions will be sought on the difference between “X” and “Y”.
- If “X” is greater than “Y” no contribution will be sought.
- If the school is deemed to have some capacity in year five, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

(see Appendix 1 for examples)

Calculations will be based on the number of houses included in the outline planning application. Any increase in the number of units approved through, for example, a reserved matters or subsequent application, will generate additional contributions. No account will be taken of the rate of house-building on the site as this is an uncertain variable.

Primary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 10 or more dwellings with 2 or more bedrooms.

Secondary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 25 or more dwellings with 2 or more bedrooms.

Contributions for education provision will not be sought in the following cases:

- Dwellings with less than two bedrooms.
- Sheltered accommodation or genuine elderly person, student or holiday accommodation. Such accommodation will be that which clearly is incapable of occupation for general residential purposes by virtue of its internal layout, ownership or management or which has occupancy restricted by planning condition or legal agreement.
- Temporary housing or bedsits and one-bedroom dwellings, if they are clearly incapable of being enlarged to two-bedroom units.
- Changes of use or conversion or redevelopment schemes where there is no net increase in the number of residential units to which contributions would apply.

Any planning permission granted for the change of use from sheltered or elderly persons, student or holiday accommodation or from one-bedroom flats to general residential units or two-bedroom flats and so on, would be subject to a contribution if the number of units exceeds the threshold criteria set below.

How many places are required?

In order to assess the long term demand arising from a new development, the County Council will use the following pupil yields:

Primary Schools (aged 4 to 11) – 0.25 children per dwelling

Secondary Schools (aged 11 to 16 or 11 to 18) – 0.13 children per dwelling

The pupil yields are derived from recent local housing developments across the County (see Appendix 2 and 3).¹¹

The number of children generated by residential development will vary depending on the type and size of dwelling and by the location of the development. In some cases it may be argued that houses are built for a particular market, for example couples, starter homes or that a development is not within easy reach of a primary school. We will not normally reduce the basis for the calculations to account for variables such as these, because, over time, any dwelling (excluding sheltered, elderly person only, or one bedroom units) in any location, has the potential to accommodate children of school age.

What level of contribution is required?

¹¹ Using the median average. These yields have been reduced by 0.01 to account for those pupils with an Education, Health and Care Plan, which are accounted for separately, under SEN provision.

North Yorkshire County Council will multiply the projected pupil yield by the national average costs published in the DfE school places scorecards,¹² adjusted to reflect costs in the county using BCIS location factors. This is in line with DfE guidance.¹³

The present costs (April 2019 to March 2020), derived from DfE school places scorecards published in June 2019, are as follows:

	England Cost of Place £	North Yorkshire location factor	2019/20 place cost multipliers £
Primary schools			
Permanent expansion	16,596	0.95	15,766
New school	19,611	0.95	18,630
Secondary schools			
Permanent expansion	22,738	0.95	21,601
New school	23,962	0.95	22,764

In the majority of cases, unless it is fully expected that a new school is to be provided, the average cost for permanent expansions at primary and secondary schools will be used. Only where a new school is required to mitigate the impact of the development, will we seek financial contributions using the average cost for a new school.

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date. If there is no DfE school places scorecard published within the last calendar year, we will reserve the right to uplift the costs in the latest published scorecard by inflation.

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PROVISION

Planning policy guidance and DfE guidance¹⁴ states that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

SEND provision in North Yorkshire includes:

- Enhanced mainstream schools (EMS) – mainstream schools providing an enhanced offer to children and young people with SEND.
- Pupil Referral Service (PRS) – a school established and maintained by a local authority to provide education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.

¹² <https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2018>

¹³ Securing Developer Contributions for Education (November 2019).

¹⁴ MHCLG, Planning Practice Guidance, Planning Obligations; DfE, Securing Developer Contributions for Education (November 2019).

- Special School - A school specifically organised to make special educational provision for pupils with SEND. Pupils attending a special school will have an Education, Health and Care Plan.

How many places are required?

The County Council will apply the following yield for SEND provision:
0.01 per dwelling

This pupil yield is derived from recent local housing developments across the County (see Appendix 4).

A contribution directly required for SEND provision will not be sought on any developments of less than 100 dwellings.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.¹⁵

The current cost is £63,064 per SEND place.

EARLY YEARS CHILDCARE PROVISION PLACES

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Planning policy guidance and DfE guidance¹⁶ states that requirements for education contributions should consider all school phases 0-19, including early years.

How many places are required?

For developments of over 100 dwellings with two or more bedrooms an assessment will be made of the need to secure additional S106 funding for early years/pre-school provision, where it can be reasonably demonstrated that there is no capacity for local providers to meet increased demand for early years places arising as a consequence of the development.

Where developer contributions are considered appropriate a yield rate of 0.05 children per dwellings will be applied. (This is based on dividing the primary yield rate of 0.25 by 7 (to provide an average yield per year group of primary aged pupils) and multiplying by 1.3 (to account for on average 4 terms (that is to say, 1 year and a term) of early years government funding for 3 and 4 year-olds).

¹⁵ DfE, Securing developer contributions for education, paragraph 17.

¹⁶ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 8; DfE, Securing Developer Contributions for Education (November 2019).

The need for a contribution will be established by comparing the number of children generated by the development, with the vacancies available in existing Early Years providers within a three mile radius of the development.

Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by a development is greater than the space capacity in current or planned Early Years provision the County Council will require a contribution to fund the provision of the additional Early Years places required arising from the development.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for early years provision are set at the same as for a primary school.¹⁷

The current cost is £15,766 per early years place.

Following DfE guidance, developer contributions for early years provision will usually fund places at existing or new school sites.¹⁸

Section 106 agreements

The Government encourages Local Planning Authorities to use and publish standard forms and templates to assist with the process of agreeing planning obligations. This does not remove the requirement for local planning authorities to consider on a case by case basis whether a planning obligation is necessary to make the development acceptable in planning terms.¹⁹

North Yorkshire County Council will recommend the use of model clauses for education contributions in Section 106 agreements as set out in Appendix 5.

New schools

We will work with plan makers to identify which schools are likely to expand, and where new schools will be needed as a result of planned growth. We will work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at the appropriate time. National Planning Practice Guidance has an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.²⁰

The County Council uses the Building Bulletin 103 and Section 77 policies in conjunction with each other, to ensure that new school sites meet both guidelines.

¹⁷ DfE, Securing developer contributions for education, paragraph 16.

¹⁸ DfE, Securing developer contributions for education, paragraph 16.

¹⁹ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 16.

²⁰ MHCLG, Planning Practice Guidance, Viability, paragraph 29.

Applying this guidance, for a new 3-11 primary school with integral nursery, the County Council would usually request the following site areas for a primary school:

Total pupils	Forms of entry	Total site area
210	1	1.19 ha
420	2	2.14 ha
630	3	3.09 ha

The County Council has a checklist of suitability requirements for new school sites (Appendix 6), and expects developers to show which criteria the proposed site fully meets, and to provide details of how the proposed site might not be considered to fully meet any of the criteria. The County Council will recommend the use of model clauses for education sites in Section 106 agreements as set out in Appendix 7.

Where new schools are planned within housing developments, we will consider whether direct delivery by the developer would represent best value for money, subject to an appropriate specification from the County Council. This would need to comply with state aid and public procurement legislation.

In multi-phase developments, we may recommend land-equalisation approaches to ensure the development 'hosting' a new school (and any additional safeguarded land) is not disadvantaged.

Where appropriate, for instance in the early stages of development while the need for school places is growing, the County Council may seek developer contributions for temporary expansions to existing schools if required, and for transport costs for pupils travelling further than the statutory walking distance.²¹ This could include:

- the full cost of any temporary accommodation required on school sites pending the delivery of any new schools or extended school facilities;
- the cost of transporting children to a school, where it is not possible to provide additional school places within an available walking distance of the development. This contribution will be in addition to any pupil place contributions and will relate to the cost of providing a new transport route for the additional pupils for a defined period of time. This claim will usually apply during the early phases of a major development prior to the opening of the new school on site.

Following DfE guidance, we will not usually take into account the capacity of existing primary schools beyond the statutory walking distance when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns.²²

²¹ DfE, Securing Developer Contributions for Education (November 2019), paragraph 29.

²² DfE, Securing Developer Contributions for Education (November 2019), paragraph 30.

Expansion of existing school sites

Where it is determined that there is a need to expand an existing school to mitigate the impact of a development, and the school site is undersized with reference to the capacity of the school and the guidelines for school sites in Building Bulletin 103 and Section 77, then the County Council would seek additional land from the developer wherever possible to mitigate the impact of the development.

Monitoring and Review

The 2019 CIL regulations require County Councils to publish an infrastructure funding statement where they receive a contribution entered into during the reported year. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter.

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Summary of proposals

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

Contact

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Supporting appendices

Appendix 1: Examples of calculating developer contributions for primary education provision

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

Appendix 5: Model clauses for education contributions in Section 106 agreements

Appendix 6: Education Site Suitability Checklist

Appendix 7: Model clauses for education sites in Section 106 agreements

ANNEX 2

Draft Supporting Appendices to the Developer Contributions Policy

Appendix 1: Examples of calculating developer contributions for primary education provision

Example 1

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			210
Surplus/Deficit in academic year 2023/2024 (A-B)			0
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			25
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766.00
Contribution sought.			£394,150.00

Example 2

- If the school is "X" places short of capacity in year **five** and the development generates "Y" places, contributions will be sought on the difference between "X" and "Y".

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			250
Surplus/Deficit in academic year 2023/2024 (A-B)			-40
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			65
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766.00
Contribution sought.			£394,150.00

Example 3

- If “X” is greater than “Y” no contribution will be sought.

Current Net Capacity of School (A)			210
Number of pupils on roll			150
Forecast pupils on roll 2023/2024 (B)			150
Surplus/Deficit in academic year 2023/2024 (A-B)			60
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			0
Anticipated need for new school places from the proposed number of properties as shown above			-35
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766.00
Contribution sought.			£0

Example 4

- If the school is deemed to have some capacity in year **five**, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

Current Net Capacity of School (A)			210
Number of pupils on roll			190
Forecast pupils on roll 2023/2024 (B)			190
Surplus/Deficit in academic year 2023/2024 (A-B)			20
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			5
Anticipated need for new school places from the proposed number of properties as shown above			5
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766.00
Contribution sought.			£78,830

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	13
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	7
Parish CE	Moorview Way, Elsey Croft, Skipton	103	63/2010/11062	12
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	24
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	49
Easingwold CP	Ward Trailers Site, Easingwold	44		18
Easingwold CP	York Road Site, Easingwold	93		32
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	6
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	55
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	18
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	76
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	13
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	13
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	38
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	22
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	3
Western	Former Queen Ethelberga's School	99	94/02181/FUL	20
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	54
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	11
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	40
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	9
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	47
Norton CP	Cheesecake Farm	79		37
Malton CP	Broughton Road, Malton	262	11/001182/MREM	87
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	5
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	26
Cayton CP	Station Road, Cayton	162	11/01435/RM	37
Seamer & Irtton	Crab Lane Phase III	143	00/00590/FL	61
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	30
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	8
Filey Infant & Juniors Schools	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	35
North Duffield CP	North Duffield	34	2005/0226/FUL	9
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	45
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	46
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	59
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	2
Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	1
			Average	28.49
			Median	26.40

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Secondary School area	Address	Density	Reference	Total pupils
Skipton	Former CDC Offices, Granville Street	57	63/2011/11998	9
Settle College	Land to South of Ingfield, Settle	37	62/2010/10975	5
Skipton	Moorview Way, Elsey Croft, Skipton	103	63/2010/11062	6
South Craven	Woodturners Close, Sutton in Craven	30	66/2007/7160	13
Thirsk	Station Road, Thirsk	167	04/01723/REM	37
Easingwold	Ward Trailers Site, Easingwold	44		6
Easingwold	York Road Site, Easingwold	93		15
Thirsk	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	5
Northallerton	Yafforth Road, Northallerton	283	09/00795/FUL	23
Thirsk	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	4
Knaresborough	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	53
Harrogate	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Harrogate	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	21
Knaresborough	Boroughbridge Road	170	13/02074/OUTMAJ	16
Harrogate	Picking Croft, Killinghall	75	13/04634/OUTMAJ	17
Boroughbridge	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	1
Harrogate	Former Queen Ethelberga's School	99	94/02181/FUL	21
Richmond	Gatherley Road - ph I	161	N/A	35
Risedale	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	4
Risedale	Marne Grange, Arras Lines	126	14/00134/OUT	16
Wensleydale	Maythorne Farm, Leyburn	47	14/00317/FULL	5
Risedale	Arras Lines, Catterick Road	178	03/00285/AORM	50
Norton	Cheesecake Farm	79		23
Malton	Broughton Road, Malton	262	11/001182/MREM	41
Ryedale	West of Station Rd, Nawton	21	11/01233/MOUT	7
Lady Lumley's	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	19
George Pindar	Station Road, Cayton	162	11/01435/RM	25
George Pindar	Crab Lane Phase III	143	00/00590/FL	41
Whitby	The Creamery, White Leas Road, Whitby	68	09/02013/RM	10
George Pindar	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	23
Barby	North Duffield	34	2005/0226/FUL	4
Sherburn	Land of Carosel Walk	120	2012/0468/EIA	14
Sherburn	Low Street, South Milford	108	2005/1052/FUL	25
Brayton/Selby	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	12
Skipton	Primrose Glen, Embsay	58	C/26/253B	0
Ryedale	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0
			Average	16.43
			Median	14.00

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	0
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	0
Parish CE	Moorview Way, Elsey Croft, Skipton	103	63/2010/11062	2
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	0
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	3
Easingwold CP	Ward Trailers Site, Easingwold	44		1
Easingwold CP	York Road Site, Easingwold	93		0
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	1
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	8
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	1
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	4
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	2
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	2
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	1
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	0
Western	Former Queen Ethelberga's School	99	94/02181/FUL	0
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	0
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	0
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	0
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	0
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	1
Norton CP	Cheesecake Farm	79		1
Malton CP	Broughton Road, Malton	262	11/001182/MREM	3
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	0
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	1
Cayton CP	Station Road, Cayton	162	11/01435/RM	1
Seamer & Irton	Crab Lane Phase III	143	00/00590/FL	2
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	0
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey Infant & Juniors	Land To South Of Pasture Crescent Filey	135	04/01191/FL	2
North Duffield CP	North Duffield	34	2005/0226/FUL	1
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	0
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	0
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	2
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	0
Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0

			Average	1.11
			Median	1.00

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Appendix 5: Model clauses for education contributions in Section 106 agreements

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PARTIES

1. BOROUGH/DISTRICT COUNCIL of North Yorkshire (“the Council”)
2. NORTH YORKSHIRE COUNTY COUNCIL of County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AD (“the County Council”);
3. Owner

DEFINITIONS

“Education Contribution” means the sum [of [] pounds (£[])] (index linked as hereinafter provided) towards the cost of educational facilities serving the locality of the Development; to be deposited with the County Council for a period ending 10 years from the date of payment of the final instalment

“Index” means the Building Costs Information All in Tender Price Index published by the Royal Institution of Chartered Surveyors (or contained in any official publication substituted therefore) or such other index as may from time to time be published in substitution thereof;

“Index Linked” means increased on an annual basis or pro rata per diem from the date of the Planning Permission until such time that payment of any sum in this Deed is made such index linking to be equivalent to any inflationary increase in such sums taking as the basis for the measure of inflation the Index last published before the date of this Deed or any publication substituted for it;

“Interest” means interest at the rate of 2% above the base lending rate of the Bank of England in force at the due date which shall mean the date when interest first becomes payable.

OWNER'S COVENANTS

To deposit with the County Council the sum of [##] of the Education Contribution by... [this could be instalments to be paid by specific dates or on the occupation of a certain number of dwellings and is subject to negotiation with the County Council]

COUNTY COUNCIL'S COVENANTS

The County Council hereby covenants to apply the Education Contribution towards the cost of educational facilities serving the locality of the Development;

That the County Council will return such amount of the Education Contribution paid pursuant to this Deed to the person making the payment which have not been expended or committed to be expended in accordance with the provisions of this Deed within ten years of the date of receipt by the County Council of the final instalment of the payment.

Late payment

If any payment due under this Agreement is paid late interest will be payable from the date payment is due to the date of the payment

Costs of Agreement

Prior to the completion of this Agreement the Developers are to pay the Council and the County Council their reasonable and proper legal costs in connection with the preparation, negotiation, completion and monitoring of the Agreement

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Appendix 6: Education Site Suitability Checklist

Site Name / Location :

Please attach plan

Please tick those criteria that the land fully meets. Give details overleaf of how the land might not be considered to fully meet any of the criteria. Supporting evidence such as contamination reports and topographical plans should be attached.

CRITERIA	YES	NO	Evidence Attached
<i>Is the land suitable for the construction of high quality education buildings and outside spaces?</i>			
Flat ground			
Broadly level (A gradient of 1 in 70, across the width, is ideal to assist water run off from most pitches)			
At level with surrounding areas			
Roughly rectangular in shape			
Longer north to south boundaries of at least 120 meters each			
Shorter east to west boundaries of at least 70 meters each			
At least 30cm of clean topsoil			
Free draining			
Standard trench fill / strip foundations can be used			
<i>Is the site appropriately located for a school / early years & childcare facility to be established?</i>			
Centrally located to the overall development or area the school will serve			
Well located in relation to other neighbourhood facilities and public realm			
Not crossed by any public rights of way or access wayleaves			
Not liable to flooding			
Not crossed by or bounded by any power-lines			
Not crossed by and sufficiently distant from any gas mains			
Outside the cordon sanitaire of any sewage plant			
Free of items or structures of archaeological interest			
Free from protected species or habitats of special interest			
Site not part of a conservation area or subject to any special planning authority restrictions			
<i>Is the site and surrounding area free of pollution, contamination and other risk factors?</i>			
Free of soil and water table contamination			
Outside any current or proposed 57dBA Leq noise contour of an airport or similar facility			
Free from radiation or potential sources thereof			
Air quality standards are met			
Free from invasive plants such as Japanese Knotweed			
Not affected by ground gasses and vapours			
Not affected by potential sources of noise or light pollution e.g. major roads, car parks or industry			
<i>Is the site sufficiently distant from any land use that could cause public anxiety?</i>			

Chemical or petro-chemical production or storage			
Establishments storing or handling live viruses			
Facilities housing or treating people with a history of violence or a threat to children			
Incinerators			
Sites currently or previously used for land fill or rubbish disposal			
Aviation or high speed transportation e.g. train lines or helipads			
Major roads or traffic honeypots e.g. large retail outlets			
Prisons or facilities for persons with a history of offending			
Phone or radio masts and transmitters			
High voltage power lines			
Premises housing dangerous animals, birds, reptiles or insects			

<i>Is the site free from encumbrances that may need to be removed?</i>			
Free of buildings and other surface structures			
There are no trees on or abutting the site			
Free of pipes and underground cables			
Free from foundations, fuel tanks and other buried structures			
Free from spoil and fly tipping			
Free from filled spaces including mineral workings and land fill			
Free of void spaces including wells, sumps and pits			

CRITERIA (continued)

YES NO Evidence Attached

<i>Will suitable safe access be provided to the site at appropriate points in time?</i>			
Access to all parts of the site for investigation purposes			
Usable vehicular/plant access suitable for construction and commissioning purposes			
Adopted public highway with suitable vehicular access to service buildings (not a cul-de-sac)			
Separate suitable vehicular access to service the playing field			
Access to both ends of the site for emergency purposes			
Direct pedestrian access to facilitate 'safe routes to school'			
A safe pedestrian realm to which children can egress at the end of the school/pre-school day			
Traffic calming or 20mph speed limits on surrounding roads			
Safe and direct cycle routes usable by the population to be served by the new facility			
Nearby links into the public transport network			

<i>Will the site be sufficiently serviced by the following utilities to suitable boundaries prior to transfer?</i>			
Water			
Electricity			
Gas			
Telephone			
Broadband			
Foul sewers			
Surface water drainage			

If you have answered 'No' in relation to any criteria, please give details below or on a separate sheet.

Please give details of any current or proposed adjoining land use that may disrupt the normal functioning of a school or early years & childcare facility, detract from learning or place anyone associated with the establishment at risk.

Please give any other details you know about, that may make this land unsuitable for a school or early years & childcare facility or may add to the cost of building or establishing one on the site.

DECLARATION

I confirm that the information I have given represents full disclosure of the facts and I have taken all necessary steps to ensure it is accurate beyond reasonable doubt. Should any information become evident in the future, that may have altered the response I have given, I will bring these facts to North Yorkshire County Council's attention immediately.

SIGNED:

ON BEHALF OF:

DATE:

Appendix 7: Model clauses for education sites in Section 106 agreements

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EDUCATION LAND SCHEDULE DEFINITIONS

1. In this Schedule the following expressions shall have the following meanings:

County's Nominee means any person(s) company (ies) body (ies) or organisation(s) that the County shall employ fund or work in partnership with in connection with the design construction commissioning running or maintenance of the Education Facility and for the avoidance of doubt the County's Nominee may include any providers of free state education or childcare of any type

Education Facility means indoor and outdoor facilities for education childcare sports and ancillary uses (paid or otherwise) commensurate to the capacity of the Education Site

Education Site means the [(xx)] hectares (ha) of usable land identified edged [red] on the 'Education Site' drawing (insert number) appended to this Schedule

Education Site Access Plan means a plan setting out the location design and specification of routes on the Site to be adopted as public highways which shall provide pedestrian and emergency vehicle access to the Education Site via a paved pedestrianised public area of at least one hundred (100) metres square abutting the [xxx] boundary of the Education Site and also separate vehicular access to the [xxx] boundary of the Education Site for construction grounds maintenance and emergency vehicles and also separate vehicular access to the [xxx] boundary of the Education Site for parking delivery and emergency access and also any additional such access infrastructure that the County may reasonably require to adequately and properly serve and service the Education Facility from adopted public highway

Education Site Notice means the notice that the County may serve on the Developer [and or the Owner] pursuant to Paragraph 5 of this Schedule

Education Site Option Period means a period of time starting on the date that [twenty (20)] Dwellings are Occupied for the first time and ending ten (10) years after the date the Completion Notice is validly served

Education Site Specification means the criteria set out in the 'Education Site Specification' appended to this Schedule with which the Education Site must comply

Education Site Transfer Terms means all terms and conditions in this Agreement to be met by the Developer [and or the Owners] to facilitate the transfer of the Education Site to the County or to the County's Nominee

Education Site Utility Plan means a plan setting out the design specification and layout of Utilities infrastructure that shall meet the County's requirements to properly and sufficiently serve the Education Facility and shall be provided by the Developer [and or the Owner] to the boundary of the Education Facility at points specified by the County and that shall where specified provide

the capacities set out in the 'Minimum Education Site Utility Capacities' appended to this Schedule as a minimum

Education Site Works means all reasonable works required to render the Education Site congruent to the Education Site Specification and fit for use for an Education Facility in all respects to the satisfaction of the County

Utilities means gas water electricity telephone broadband foul drainage and surface water drainage (including such legal rights as the County considers necessary for the discharge of surface water over adjoining land) and any and all other media services and or utilities as may in the County's reasonable view be appropriate with appropriate rights to use all relevant delivery infrastructure

2. From the date of this Agreement the Developer [and the Owner] hereby covenant

2.1 not to use or allow or permit any works or activities to be carried out on the Education Site that may render the Education Site unsuitable for use as an Education Facility in any way or add to the cost or time taken to construct an Education Facility including for the avoidance of doubt storage and or car parking

2.2 to share with and provide at no cost to the County and or the County's Nominee as appropriate any relevant data studies surveys drawings reports mapping and or other evidence held that may be of assistance in the design and or construction and or commissioning of an Education Facility on the Education Site that shall for the avoidance of doubt include such information pertaining to topography ecology archaeology contamination arboriculture noise and Utilities including depths invert levels and manhole locations

3. At any time during the Education Site Option Period the County may at the County's total discretion serve the Education Site Notice on the Developer [and or the Owner] On service of the Education Site Notice the Developer [and the Owner] hereby covenant with immediate effect

4.1 to grant to the County and the County's Nominee the right to the free and uninterrupted use passage and running of all Utilities and the like over through and along all Utilities infrastructure (permanent and or temporary) and the like which shall at the time exist or which shall within eighty (80) years of the Commencement Date exist on the Site and if required by the County (acting reasonably) grant such legal rights as the County considers necessary for the discharge of surface water through land adjacent to and in the vicinity of the Education Site

4.2 to grant to the County and the County's Nominee rights of way with or without vehicles and for all purposes over any roads or routes (temporary or permanent) on the Site constructed or to be constructed within a period of eighty (80) years from the Commencement Date which are intended for public or construction use

5. The Developer [and the Owner] hereby covenant to within six (6) months of the date on which the Education Site Notice is served:

5.1 with all due diligence to complete in full the Education Site Works to the County's satisfaction

5.2 to allow the County and or the County's Nominees access to the Education Site with or without vehicles plant and machinery for the purposes of investigation or verification that the Education Site Works have been satisfactorily completed and or for the purposes of carrying out works for the laying out of playing fields or any other works which the County may reasonably require in pursuit of the establishment of an Education Facility

5.3 to provide in favour of the County and if appropriate the County's Nominee surety in the form of a collateral warranty backed by appropriate insurance as agreed by the County guaranteeing that the Developer [and the Owner] have met the duties set out in Paragraph 5.1 of this Schedule and in the event that the Education Site is later found by the County not to meet the Education Site Specification in full then the County or the County's Nominee shall be entitled to carry out any such works required to render the Education Site congruent to the Education Site Specification and recover all costs reasonably incurred by the County or the County's Nominee from the Developer [and the Owner] and or the Developer's [and the Owner's] surety pertaining to the cost of these works and also any incidental expenses in connection with such works such payment to be made by the Developer [and the Owner] within twenty eight (28) days of any such works being completed

5.4 to agree in writing with the County the Education Site Utility Plan and the Education Site Access Plan ensuring always that there are no ransom strips that prevent full access to the Education Site or use of Utilities

5.5 to provide to the boundary of the Education Site at points agreed by the County with rights to use adequate infrastructure sufficient to bring suitable and adequate electricity and water and drainage (foul and surface water) to the Education Site for uninterrupted construction and commissioning of the Education Facility until such time as connection to all permanent Utilities is provided pursuant of Paragraph 6.1 of this Schedule and until such permanent Utilities have been commissioned rendering the temporary supplies unnecessary ensuring always that there is no break in supply from such Utilities to the Education Site during any required changeover

5.6 to provide and grant to the County and the County's Nominee access over a temporary route and surface suitable for the free and uninterrupted passage ingress and egress of plant machinery vehicles and pedestrians over the Site from the existing maintainable highway to the boundary of Education Site such route being agreed between the Developer [and the Owners] and the County which shall remain in existence and be maintained at the Developer's [and the Owner's] expense until such time as a permanent maintainable highway has been provided over such route and which is open to the public to the boundary of the Education Site pursuant to Paragraph 6.2 of this Schedule

5.7. to complete the transfer free of encumbrances of the Education Site to the County or if so directed by the County to the County's Nominee on the Education Site Transfer Terms in exchange for consideration not exceeding in total the sum of one pound sterling (£1)

6. The Developer (and the Owner) hereby covenant to within eighteen (18) months of the date on which the Education Site Notice is served

6.1 provide the Utilities as set out and agreed by the County in the Education Site Utility Plan

6.2 provide the access as set out and agreed by the County in the Education Site Access Plan

6.3 agree with the County and then provide and install including any necessary traffic regulation orders appropriate road signage pertaining to the Education Facility all at the Developer's [and the Owner's] expense

6.4 provide footways three (3) metres in width to all highways (excluding non-thru-routes) within one hundred (100) metres of the Education Site

7. The County hereby covenants:

7.1 to use the Education Site for the sole purpose of an Education Facility including any ancillary uses paid or otherwise that shall not detract from the primary function of the Education Facility

7.2 that in the event that the whole or a substantial part of the Education Site is not being used as an Education Facility on the tenth (10th) anniversary of the Education Site being transferred to the County or the County's Nominee and it is not demonstrated that there will be a need for such future use then in the absence of a legally binding contract or obligation requiring the construction or provision of facilities pertaining to an Education Facility the Developer [and or the Owner] may serve on the County or the County's Nominee as appropriate a notice requiring that the part or the parts of the Education Site that are not being used as an Education Facility shall be transferred to the Developer with vacant possession in consideration of the sum of one pound sterling (£1)

[Appendix Education Site Drawing](#)

Bespoke – to be inserted by developer/owner

[Appendix Education Site Specification](#)

Fence Requirements

Soil Quality Requirement

Minimum Education Site Utility Capacities

ANNEX 3: Draft Consultation Document



Developer Contributions for Education

Consultation on a new Policy

February 2020

We are proposing a new County Council policy on developer contributions for education.

What are developer contributions?

Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting or building a new one.

Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under **Section 106** of The Town and Country Planning Act 1990, or the **Community Infrastructure Levy (CIL)**.

A **Section 106** agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.

Why are we consulting now?

Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek funding both for the construction of more school places and suitable land from developers:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations' (September 2019)

- Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019)

In the light of these changes, we are proposing a new County Council policy for developer contributions for education.

What will our new policy include?

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;
- when we will request contributions of land to provide sites for new or expanded schools.

The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

What are we proposing to change?

Section 106 contributions

We propose to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed Regulation 123 lists of infrastructure that were intended to be funded through CIL and allows Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions.

Contributions for primary and secondary provision

We propose to follow the Department for Education's (DfE) preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.

We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for a permanent expansions, derived from DfE school places scorecards, to North Yorkshire would result in an increase in the

cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.

Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.

While these are significant increases (16% increase in cost of primary expansions and 6% increase in cost of secondary expansions) they compare with an increase over the same period in building cost inflation of between 25 and 40 per cent.

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date.

Thresholds for assessment currently vary across the County reflecting different policies in different districts:

	Primary	Secondary
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CIL

Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider early years provision.

We propose to apply a yield of 0.05 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for early years provision are set at the same as primary school provision.

Section 106 agreements

We propose to recommend the use of model clauses for education contributions and for education sites in Section 106 agreements.

Summary of proposals

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

How can I comment?

Complete the response form online or return by post by 1 April 2020.

Next steps

All responses received by this date will be included in a report to the County Council's Executive on 21 April. They will decide whether to approve the draft policy for implementation. It is proposed to implement the new policy from 1 May 2020. It will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.

**North Yorkshire County Council
Developer Contributions for Education
Consultation on a new Policy**

Observations and/or suggestions:

DRAFT

Name

Organisation

Signed

Date:

Name (Block Capitals)

Address:

.....

.....

Postcode:

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand? YES/NO

Do you have any suggestions for improvement?

.....

Under the provisions of the Freedom of Information Act 2000, responses to the consultation will be published on the County Council’s website where it may be accessed by members of the public. Your personal details will not be published. Please send this response sheet to the following “FREEPOST” address. You do not need to use a postage stamp.

FREEPOST RTKE-RKAY-CUJS

Developer Contributions

Strategic Planning

North Yorkshire County Council

County Hall

NORTHALLERTON

DL7 8AE

Or go to:

[##](#)

and submit your response there

To be received by no later than 1 April 2020

We are collecting this information for the purpose of gathering views on the proposal. Your personal data will not be published or passed to any other organisation unless a legal obligation compels us to do so. We may contact you to discuss your views further. For more information about how your personal data is handled at North Yorkshire County Council please visit: www.northyorks.gov.uk/privacy